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15 GEN-PROBE, INCORPORATED

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 GEN-PROBE INCORPORATED,

19 Plaintiff,

20 v.

21 VYSIS, INC.,

22 Defendant.

No. 99CV2668H AJB

PROOF OF SERVICE

HONORABLE MARILYN L. HUFF

PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Diego, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 4401 Eastgate Mall, San Diego, California 92121. On the date set forth below I served the documents described below in the manner described below:

1. **PLAINTIFF GEN-PROBE INCORPORATED'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
2. **REPLY DECLARATION OF R. WILLIAM BOWEN, JR. IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
3. **REPLY DECLARATION OF DR. KARY B. MULLIS IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
4. **REPLY SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
5. **REPLY NOTICE OF LODGMENT IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**

☐ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Diego, California.

☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized

courier and/or process server for hand delivery on this date. See attached Proof of Personal Service.

☒ (BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.


☒ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

on the following part(ies) in this action:

Thomas W. Banks, Esq.
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Attorneys for Vysis, Inc.

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Attorneys for Vysis, Inc.

Executed on November 13, 2001, at San Diego, California.


Sylvia M. Tether

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PROOF OF PERSONAL SERVICE

I hereby declare:

I am employed in the City of Diego, County of San Diego, California; I am over the age of eighteen years and not a party to the within cause; my business address is Knox Services, 2201 East Fourth Street, Santa Ana, California 92711-1960. On November 13, 2001, I served the within:

1. PLAINTIFF GEN-PROBE INCORPORATED'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS
2. REPLY DECLARATION OF R. WILLIAM BOWEN, JR. IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS
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5. REPLY NOTICE OF LODGMENT IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS

on the interested parties in this action by personally hand delivering a copy of said document(s) to the address(es) listed below:

John H. L'Estrange, Jr. Esq.
Wright and L'Estrange
701 B Street, Suite 1550
San Diego, CA 92101
Tel: (619) 231-4844
Fax: (619) 231-6710

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that this declaration was executed on November 13, 2001.
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SIGNATURE: _____

PRINT NAME: _____